



Original: **French**

No: **ICC-01/04-01/06**

Date: **10 August 2006**

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. THOMAS LUBANGA DYILO***

Public Document

**Decision Authorising the Prosecutor and the Defence to Respond to the
Observations of the Legal Representatives of the Victims regarding the Manner in
which Victims a/0001/06, a/0002/06 and a/0003/06 are to Participate in the
Confirmation Hearing**

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Mr Ekkehard Withopf

Legal Representatives of the Victims

Mr Luc Walley

Mr Franck Mulenda

Counsel for the Defence

Mr Jean Flamme

Ms Véronique Pandanzyla

I, Sylvia Steiner, judge at the International Criminal Court (“the Court”),

NOTING the three applications for participation in the proceedings a/0001/06, a/0002/06 and a/0003/06 (“Applications for participation”), filed in the record of the investigation of the situation in the Democratic Republic of the Congo (DRC)¹ and in the record of the case of *The Prosecutor v. Thomas Lubanga Dyilo*² on 11 May 2006;

NOTING the registration in the record of the situation in the DRC³ and in the record of the case⁴ of the redacted versions of the applications for participation on 2 June 2006;

NOTING the “Decision on the applications for participation in the proceedings a/0001/06, a/0002/06 and a/0003/06 in the case of *The Prosecutor v. Thomas Lubanga Dyilo* and in the investigation in the Democratic Republic of the Congo”⁵ rendered by the Chamber on 24 July 2006 granting the three applicants the status of victim in the case of *The Prosecutor v. Thomas Lubanga Dyilo* and inviting the legal representatives of victims a/0001/06, a/0002/06 and a/0003/06 to submit to the Chamber observations in respect of the manner of their participation at the confirmation hearing in the case against Thomas Lubanga Dyilo⁶;

NOTING the observations of the legal representatives of the victims⁷ filed on 8 August 2006;

¹ ICC-01/04-144-Conf-Exp-tEN, ICC-01/04-145-Conf-Exp-tEN, ICC-01/04-146-Conf-Exp-tEN.

² ICC-01/04-01/06-98-Conf-Exp, ICC-01/04-01/06-99-Conf-Exp, ICC-01/04-01/06-100-Conf-Exp [all available only in French].

³ ICC-01/04-148-Conf [available in French only], ICC-01/04-149-Conf [available only in French], ICC-01/04-150-Conf-tEN.

⁴ ICC-01/04-01/06-133-Conf, ICC-01/04-01/06-134-Conf, ICC-01/04-01/06-135-Conf [all available only in French].

⁵ ICC-01/04-01/06-205-Conf-Exp et la version expurgée ICC-01/04-01/06-228 [both available only in French].

⁶ Ibid.

⁷ ICC-01/04-01/06-316-Conf [available only in French].

NOTING the decision rendered on 22 March 2006 by Pre-Trial Chamber I, which appointed Judge Sylvia Steiner as the single judge and which gave her the responsibility under article 57 (2) of the Rome Statute (“the Statute”), to discharge the functions of the Chamber in the case of Thomas Lubanga Dyilo, including those functions set out in rule 121 (2) (b) of the Rules of Procedure and Evidence (“the Rules”)⁸,

NOTING articles 61 and 68 of the Statute, rules 89 (1), 91 and 92 of the Rules, and regulations 24, 31 and 34 of the Regulations of the Court;

CONSIDERING that under article 68 (3) of the Statute the victims or their legal representatives may present their views and concerns at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the Defence and the requirements of a fair and impartial trial⁹;

CONSIDERING that under regulation 24 of the Regulations of the Court, the Prosecutor and the Defence may file a response to any document filed by any participant in the proceedings;

CONSIDERING therefore that the Prosecutor and the Defence must have the possibility to respond to the observations of the legal representatives of the victims on the manner of their participation in the confirmation hearing;

⁸ ICC-01/04-01/06-51 [available only in French].

⁹ ICC-01/04-101 [available only in French].

CONSIDERING that, under the heading of regulation 34 of the Regulations of the Court, a time limit other than the one provided for in paragraph (b) of that regulation may be set by the single judge;

FOR THESE REASONS,

INVITE the Prosecutor and the Defence Counsel to respond to the observations of the legal representatives of the victims regarding the manner of their participation at the confirmation hearing in the case of *The Prosecutor v. Thomas Lubanga Dyilo*, by 16.00 on 25 August 2006 at the latest.

Done in English and French, the French version being authoritative.

Judge Sylvia Steiner
Single Judge

Done this Thursday 10 August 2006

At The Hague

The Netherlands